



# NATIONAL SHERIFFS' ASSOCIATION

March 2, 2021

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Speaker Pelosi and Leader McCarthy:

The Sheriffs strongly oppose this poorly drafted and, in some instances, dangerous legislation. On behalf of the nation's 3,080 elected Sheriffs, the National Sheriffs' Association would like to illustrate the many unintended consequences of the George Floyd Justice in Policing Act, outlined below:

- **Qualified Immunity Reform:** This bill provision seeks to eliminate qualified immunity as a defense to peace officers. The bill would eliminate as a defense or immunity to suit against a peace officer that the officer acted in good faith, or that he or she believed, reasonably or otherwise, that his or her conduct was lawful at the time when the conduct was committed; or, that the rights, privileges, or immunities secured by the Constitution and laws were not clearly established at the time of their deprivation; or, that the officer could not reasonably have been expected to know whether his or her conduct was lawful. This bill provision will have a devastating impact on law enforcement and endanger peace officers and the public.

Eliminating qualified immunity will keep law enforcement officers from making crucial, split-second, life or death decisions to stop a lethal threat. Innocent victims and officers will be hurt or killed as a result.<sup>1</sup> Additionally, qualified immunity not only protects officers from liability for unknowingly violating constitutional rights, it protects all government actors from liability to allow them to function in uncertain situations where immediate action is needed for the public good.<sup>2</sup> Finally, as to peace officers, qualified immunity applies to jail operations including medical decisions, failure to protect, suicides in jails, and many other situations not involving use of force.<sup>3</sup>

- **Ban on No-Knock Warrants in Drug Cases:** The bill provision bans receipt of funds under the COPS grant if the agency does not ban no-knock warrants. The provisions need to include exceptions for no-knock warrants granted by judges when the occupants are known to be armed

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<sup>1</sup> Mullenix v. Luna, 136 S. Ct. 305 (2015).

<sup>2</sup> Pearson v. Callahan, 555 U.S. 223 (2009).

<sup>3</sup> Taylor v. Barkes, 135 S. Ct. 2042 (2015); Berry v. Sherman, 365 F.3d 631(8th Cir. 2004).

and dangerous or where the evidence sought could be destroyed before entry is made without such no-knock entry.

- **Stop Militarizing Law Enforcement Act:** This bill provision seeks to ban military equipment from law enforcement agencies which is currently used in life saving roles in critical incidents such as mass casualty violence, domestic terrorism and missing persons. Denying law enforcement agencies access to this equipment will significantly decrease citizen and law enforcement officers' safety. Most of the vehicles have been used for floods, snow storms, tornados, and some fire related situations, and all equipment is used for defensive purposes. This provision will negatively impact budgets as agencies would need to expend limited funds to acquire these safety tools, which also includes office equipment.
- **Incentivizing Banning of Chokeholds and Carotid Holds:** The bill provision would bar agencies that use such holds from receiving funds under the COPS grant or Byrne grant. This section should include exceptions where lethal force is needed to stop a person from causing serious bodily harm or death to another.
- **Policing Transparency Through Data, National Police Misconduct Registry, Police Reporting Information Data and Evidence Act (PRIDE):** This bill provision seeks to create a federal database for all law enforcement officers to hold them accountable. This bill provision should include protections to officers who are wrongfully accused or even misidentified. The registry should also be limited to allegations of improper use of force. Further, funds should be allocated to cover the costs to agencies to hire additional personnel to record all of the additional data and reports.

We appreciate your consideration of the ramifications of this bill. The Sheriffs stand ready to help perfect the bill and we urge all Members of the House to vote no on the bill in its current form.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Thompson', written in a cursive style.

Jonathan Thompson  
Executive Director and CEO  
National Sheriffs' Association